

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(Amendment)

503 KAR 1:080. Certification of schools.

RELATES TO: KRS 15.330(1)(a), (e), (g)

STATUTORY AUTHORITY: KRS 15.330(1)(a), (e), (g), (h)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(a) authorizes the Kentucky Law Enforcement Council to prescribe standards for approval and continuation of approval of schools which conduct law enforcement training courses required under KRS 15.310 to 15.510 and 15.990 to 15.992. KRS 15.330(1)(e) authorizes the council to issue certificates to a law enforcement training school. This administrative regulation establishes standards and procedures for approval and certification.

Section 1. Application Procedures. (1) Any agency, group, or individual may apply to the council to establish:

- (a) A certified basic training school;
 - (b) A certified in-service training school; or
 - (c) Both.
- (2) The application shall:
- (a) Be in writing on a KLEC Form 3, School Certification Application; and
 - (b) Include information regarding the:
 - 1. Curriculum;
 - 2. Instructors;
 - 3. Facilities; and
 - 4. Equipment.

Section 2. Review of Application. (1) Upon receiving a properly completed application for certification of a school, the council or the KLEC office acting on behalf of the council shall:

- (a) Conduct an on-site inspection of the facility and equipment; and
 - (b) Thoroughly examine the curriculum and instructors of the applying school.
- (2) ~~[In the course of its inspection,]~~ The council shall determine whether the applying school offers training at least equal to the equivalent training provided by the department-based upon the following criteria:
- (a) Staff:
 - 1. Adequate administrative and support staffing;
 - 2. Number of full-time instructors;
 - 3. Number of part-time instructors; and
 - 4. KLEC certification of all instructors, including guest instructors;
 - (b) Curriculum:
 - 1. Type of training to be offered; and
 - 2. Certification of all curricula;
 - (c) Training aids:
 - 1. Use of ~~[an]~~ outlines, study guides, handouts, electronic presentations, textbooks, or ~~[and]~~ similar class materials; and
 - 2. Availability of training aids, which may include ~~[including]~~:
 - a. Chalk or white board;
 - b. Flip chart and easel;

- c. Charts;
- d. Enlarged photographs;
- e. Scale models;
- f. ~~[Thirty-five (35) millimeter slide projector;~~
- ~~g.] Screen;~~
- ~~g.[h.] [Video] Projector;~~
- ~~h.[i.] Monitors;~~
- i. Internet capability;

- j. Satellite dish capability; and
- k. Distance learning capability; and

(d) Hours and capacity:

- 1. Number of students that can be trained annually;
- 2. Number of times annually that a course is offered;
- 3. Maximum number of students per class; and
- 4. Hours of operation.

(3) The council shall determine whether the applying school's personnel, facilities, and procedures meet minimum standards for safety and quality based upon the following criteria:

(a) Physical facilities:

- 1. Type and age of buildings;
- 2. Number of classrooms;
- 3. Adequate heating, air conditioning, and ventilation;
- 4. Adequate lighting;
- 5. Adequate furniture;
- 6. Available library with adequate number of copies of standard reference material necessary for subject matter taught; and

7. Available physical training facilities; and

(b) Firearms range:

- 1. Location;
- 2. Distance from classroom;
- 3. Travel time from classroom to range;
- 4. Available transportation to range;
- 5. Types of courses available (bullseye, silhouette, combat, or other practical shooting course);
- 6. Range rules posted and enforced;
- 7. Certified firearms instructor present at all training sessions;
- 8. Established and enforced safety precautions for loading and storing of ammunition; and
- 9. Backstop which will contain slugs and prevent ricochets.

(4) An applying school shall not be certified if found to be deficient in any of the areas established in subsections (2) and (3) of this section.

Section 3. Approval Procedure. The council, at its first regular meeting after the evaluation has been completed, shall vote whether to approve the applying school.

Section 4. Notification of Council Action; Certification. (1) The council or the KLEC office acting on behalf of the council shall notify the applying school and fund administrator within thirty (30) days of the council's action whether the school is approved.

(2) If an applying school is approved, the council shall issue a certificate stating:

- (a) That the school has been certified; and
- (b) That the school offers:

1. Basic training;
2. In-service training; or
3. Both.

Section 5. Inspections. A school certified by the council shall be subject to inspection by the council or the KLEC office acting on behalf of the council to determine if the school is maintaining the standards required for certification.

Section 6. Revocation of Certification. (1) A school's certification shall be revoked by the council if a school has been found not to have maintained the standards required for certification.

(2) If certification is revoked, the school and the fund administrator shall be notified of the revocation by the council or the KLEC office acting on behalf of the council within fifteen (15) days. The council shall not recertify a school until the deficiency has been corrected.

Section 7. Incorporation by Reference. (1) KLEC Form 3 "School Certification Application", 2021~~[June 2014]~~ edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Law Enforcement Council, 4449 Kit Carson Drive ~~[Funderburk Building, Eastern Kentucky University, 521 Lancaster Avenue]~~, Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Council's website at <https://klecs.ky.gov/>.

MICHAEL "SPIKE" JONES, Chair

APPROVED BY AGENCY: August 5, 2021

FILED WITH LRC: August 10, 2021 at 3:35 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 10:00 a.m. on October 21, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Deaidra Douglas

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the procedures for a law enforcement training academy to apply for and maintain certification by the KLEC.

(b) The necessity of this administrative regulation: This regulation is necessary for the KLEC to carry out its duty under KRS 15.330(1)(a) to prescribe standards for the approval and continuation of approval of schools at which law enforcement and telecommunications training courses required under KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.992 shall be conducted, including but not limited to minimum standards for facilities, faculty, curriculum, and hours of attendance related thereto. This regulation is also necessary for the KLEC to carry out its duty to issue or revoke certificates for schools, under KRS 15.330(1)(e), and to inspect and evaluate schools under KRS 15.330(1)(g).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statute by laying out the procedures to be followed by the KLEC and law enforcement schools in the certification and maintenance-of-certification process.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the administration of the statutes by providing the process to be followed by both the KLEC and law enforcement schools in the certification and maintenance-of-certification process.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment revises the requirements for schools seeking certification by including modern technology, such as the internet, that is used in the contemporary law-enforcement education environment, and removes requirements for obsolete technology. The amendment also clarifies that the Office of Kentucky Law Enforcement Council Support may carry out certain administrative functions on behalf of the KLEC.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary so that schools seeking certification are not required to have obsolete technology (such as 35mm slide projectors) to become certified, and to clarify that the Office of Kentucky Law Enforcement Council Support may carry out certain administrative functions on behalf of the KLEC.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by updating and clarifying the procedures to be followed by the KLEC and law enforcement schools in the certification and maintenance-of-certification process.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by updating and clarifying the procedures to be followed by the KLEC and law enforcement schools in the certification and maintenance-of-certification process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: KLEC and the five certified law enforcement training facilities.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new actions must be taken on behalf of the regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The amendment provides additional guidance to the regulated entities.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Nothing.

(b) On a continuing basis: Nothing.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This amendment is not anticipated to increase implementation or enforcement costs for the Council or for any regulated entity. Generally, the Council is funded through appropriations from the Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this regulation does not establish any new fees or increase any current fees, directly or indirectly.

(9) TIERING: Is tiering applied? Explain why or why not. No. Tiering was not applied because the administrative regulation applies equally to all those entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? KLEC, law enforcement training facilities, and law enforcement trainees seeking certification pursuant to KRS 15.380 to 15.404.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15.330(1)(a), (e), (g), (h).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.